

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION (STAMP) NO. 28946 OF 2016

Mangesh Digambar Temkar	..	Petitioner
versus		
State of Maharashtra & Ors.	..	Respondents

Mr. A. S. Khandeparkar i/b. M/s. Khandeparkar & Associates for
Petitioner.

Mr. V. Mali – AGP for State – Respondent Nos. 1, 2, 3 and 5.

Mr. Rajesh Parab for Respondent No. 4.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 10 NOVEMBER 2017

P.C.:

1] The petitioner is before this Court who claims to be the erstwhile Sarpanch of Village Achra in Malvan Taluka, Sindhudurg District. According to him by virtue of recent mutation entries in respect of certain lands in the village irrespective of the fact that the petitioner being the occupants of the said lands, the lands are mutated in the name of Devasthan. In the averments they refer to Inamdars being the Devasthan and certain reversionary right in respect of said lands.

2] Be as it may. The fact remains that the petitioner or other villagers of Achra if they have any vested right in the said lands they have to approach the concerned authority with relevant documents to substantiate their claim, right or interest over the said property. In the nature of public interest litigation individual case of each of the villagers who alleged to have been the tiller of a portion of the land cannot be

looked into. If they have rights as tenants in all probability but they may not be able to get their occupancy rights confirmed since the time for such confirmation of right must have been lapsed by this time. The fact remains the grievance raised in the petition cannot be treated as a public interest litigation merely because the Kata of the property in question is transferred in the name of Shree Dev Rameshwar Achra Devasthan of Achra Village of Malvan Taluka of Sindhudurg District.

3] With these observations, the petition is disposed of. We have not expressed any opinion on the rights of the parties.

(M. S. SONAK, J.)

CHIEF JUSTICE